

**-IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

JASON LEE VAN DYKE	§	
Plaintiff	§	
	§	
v.	§	Case No. 4:18cv247
	§	
THOMAS CHRISTOPHER RETZLAFF	§	
a/k/a Dean Anderson d/b/a BV Files, Via	§	
View Files L.L.C., and ViaView Files	§	
Defendant	§	

PLAINTIFF'S FIRST SUPPLEMENT TO MOTION TO DISMISS

Plaintiff, Jason Lee Van Dyke, files this his first supplement to his motion to dismiss without prejudice under FRCP 41(a)(2). ECF 214.

1. Plaintiff attaches to this supplement as Exhibit “1” a total of three unwanted and harassing e-mail communications that he has received from Defendant since he filed his dismissal motion.
2. At the time Plaintiff filed his motion, he had been unable to reach Defendant’s counsel, Mr. Dorrell, for conference purposes. However, based upon the content of these communications, Plaintiff can now represent to the Court that his dismissal motion will be opposed by Defendant.
3. Plaintiff is mindful of the fact that, as of the date of filing this supplement to his motion to dismiss, all his remaining causes of action in this lawsuit will be barred by the applicable statute of limitations – even if dismissal is without prejudice. However, Plaintiff is also of the professional opinion that he cannot ethically prosecute a claim for a protective order against Mr. Retzlaff in state court while this lawsuit is pending. Plaintiff’s sole reason for seeking dismissal of this lawsuit is to enable him to

immediately file a claim under Article 7A of the *Texas Code of Criminal Procedure* in the district courts of Collin County, Texas and put an end – once and for all - to the kind of harassment demonstrated in the attached Exhibit “1”.

- . 4. Plaintiff respectfully encourages the Court to examine the content of the e-mail communications and the threats contained in the attached Exhibit “1”. They are a perfect demonstration of the type of abuse he has suffered at the hands of Defendant for over three years now. There is no longer any amount of money that can adequately compensate Plaintiff for the damage that Mr. Retzlaff has caused to him; but there is a remedy available to Plaintiff that will either result in an end to the torment or the incarceration of Mr. Retzlaff. Plaintiff wishes to pursue that as his sole remedy in state court.
5. Accordingly, Plaintiff prays that this Honorable Court grant his motion to dismiss under FRCP 41(a)(2) and enter an order dismissing this case without prejudice.

Respectfully submitted,

/s/ Jason Lee Van Dyke
Jason L. Van Dyke
PO Box 2618
Decatur, TX 76234
P – (940) 305-9242
Email: jasonleevandyke@protonmail.com

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was electronically filed on the CM/ECF System, which will automatically serve a Notice of Electronic Filing on Jeffrey Dorrell, Attorney for Defendant.

/s/ Jason Lee Van Dyke
JASON LEE VAN DYKE